

**REMARKS**

In the outstanding Office Action, claims 26-32 and 34-37 were rejected under 35 U.S.C. §103(a) over Nonaka et al. (US 2003/0046238) in view of Kambayashi et al. (US 6,208,801).

Upon entry of the present amendment, claims 38 and 39 will have been amended. Applicants will have been submitted new claims 40 and 41. The amendments to claims 38 and 39 should not be considered an indication of Applicants' acquiescence as to the propriety of the outstanding rejection. Rather, Applicants have amended the claims only so as to enhance clarity in order to advance prosecution and obtain early allowance of claims in the present application.

Applicants' invention is directed to a content playback control method and a content playback control terminal, as recited in each of independent claims 38 and 39. Utilizing the content playback control method recited in claim 38 as a non-limiting example of features and aspects of the invention disclosed in the present application, the present application relates to a content playback control method including, inter alia, storing, in a memory, information describing: (i) a content key; (ii) special sections subject to a restriction of a special playback of content; (iii) at least one playback mode permitted in each of the special sections; and (iv) a usage condition that specifies whether or not playback is performed based on the special sections and the at least one playback mode; and controlling an instructed special playback for a decoded content, when the special sections include a point at which the instructed special playback is performed, and when the usage condition specifies that the playback is performed based on the at least one playback mode, and a playback mode of the instructed special playback corresponds to one of the at least one playback mode described in the information stored in the memory.

In other words, conditions for determining whether or not an instructed special playback is performed includes: (1) whether or not a playback mode of the instructed special playback

corresponds to a playback mode previously stored in the memory, and (2) whether or not the usage condition specifies that the playback is performed based on the at least one playback mode.

Applicants submit that support for the amendments to the claims is provided at least in paragraphs [0062]-[0063] of Applicants' published specification.

The usage condition may be protection from duplication or tampering by, for example a DRM technology ([0063]). Therefore, according to the above described condition (2), it is possible to prevent a playback that is not originally specified (or permitted) by the playback mode, that is, a playback in a playback mode that is not intended (or permitted) by a content provider.

Further, according to the features of the present invention, since at least one playback mode is defined for each of the special sections, and the instructed playback mode is compared with the at least one playback mode defined for a specific special section, all or only a part of plurality of playback modes (i.e., fast-forwarding, skipping, jumping, etc.) can be restricted or prohibited, depending on the situation. In other words, a control may be possible such that skipping is prohibited, while fast-forwarding is allowed. (See e.g., paragraphs [0124]-[0130] of Applicants' published specification)

In setting forth the rejection, the Examiner admitted that Nonaka does not disclose "determining, when an instruction to perform a special playback is received, whether special sections include a point at which a special playback is performed according to information stored in a memory; and determining, when the special sections include the point at which the instructed special playback is performed, possibility or impossibility of performing the instructed special playback for the decoded content based on whether the at least one playback mode in the

information stored in the memory includes a playback mode of the instructed special playback,” as recited in claim 38 before the present amendment. However, the Examiner asserted that Kambayashi et al. discloses these features. Applicants respectfully traverse the Examiner’s assertion.

Kambayashi et al. discloses control codes for distinguishing main information and sub-information (e.g., commercials), and that a skip flag is stored by which determines whether or not a skip instruction from the user through the GUI 5, when information is reproduced, is to be performed (col. 10, lines 36-45). More specifically, when a sub-information code is detected, a skip flag is set to “FALSE” (Fig. 5). Then, during an information reproducing operation, if “fast forward” is instructed, the skip flag is checked (Fig. 7). When the skip flag is FALSE, that is, if the sub-information is being reproduced, the instruction of fast forward movement is ignored. (col. 11, lines 25-41).

However, in Kambayashi et al., during the reproduction of contents and after a special reproduction command (fast forward) is input, it is only determined whether skip flag is TRUE or FALSE. Thus, Kambayashi et al. does not determine whether a playback mode of the instructed special playback corresponds to one of the at least one playback mode described in the information stored in the memory. In other words, only checking the status of skip flag, as is disclosed by Kambayashi et al., cannot perform different special playbacks for different special sections.

Moreover, even if Kambayashi’s control of reproduction to prohibit fast forward when the skip flag is FALSE is considered to correspond to the control of the special playback when the playback mode of the instructed special playback corresponds to a playback mode described in the information stored in the memory (above described condition (1)), as recited in claim 38,

which Applicants submit is inappropriate, Kambayashi et al. does not disclose or teach control of the special playback when the usage condition specifies that the playback is performed based on the at least one playback mode stored in the memory. In other words, Kambayashi et al. fails to disclose the above-described condition (2).

Further, Applicants submit that neither Nonaka nor Kambayashi et al. nor any proper combination thereof, discloses the usage condition that specifies whether or not a playback is performed based on the special sections and the at least one playback mode, as recited in Applicants' claim 38.

Accordingly, Applicants submit that at least based on the lack of the disclosure of the above-described features, in the claimed combinations, the rejection of each of claims 38 and 39 under 35 U.S.C. §103(a) is improper, and reconsideration thereof is respectfully requested.

The dependent claims, including the newly submitted claims, in the present application are respectfully submitted to be patentable over the reference relied upon based upon their dependence from a shown to be allowable base claim, as well as based upon their own additional recitations.

Accordingly, in view of the herein contained amendments and remarks Applicants submit that they have now overcome the outstanding rejections in the present application and respectfully request an indication to such effect, in due course.

### **SUMMARY AND CONCLUSION**

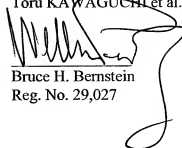
Applicants have made a sincere effort to place the present application into condition for allowance and believe that they have now done so. Applicants have amended the claims to clarify the feature of the invention, and to emphasize distinctions between the present invention and the disclosures of the references relied upon by the Examiner. Applicants have submitted several new claims.

Applicants have discussed the disclosure of each reference cited by the Examiner against the claims of the present application and with respect to such disclosure have noted the significant and substantial deficiencies thereof. Applicants have additionally discussed the explicit recitations of Applicants' claims and with respect to such recitations have noted the shortcomings of the disclosures of the references applied thereagainst. Accordingly, Applicants have provided clear bases for the patentability of all the claims in the present application and respectfully request an indication to such effect, in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,  
Toru KAWAGUCHI et al.

A handwritten signature in black ink, appearing to read 'Bruce H. Bernstein', written over a horizontal line.

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